

# QUARTERLY REPORT

Independent Police Review (IPR) — Citizen Review Committee (CRC)



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Fourth Quarter 2011

## IPR DIRECTOR'S REPORT

by Mary-Beth Baptista, Director



I am pleased to announce the five 2012 CRC nominees for City Council (Council) appointment:

(1) **Jeff Bissonette** has been a CRC member since October 2009, is on the CRC Outreach and Recurring Audit Workgroups, and is the CRC Recorder.

(2) **David R. Denecke** received his Juris Doctor from Lewis and Clark Law School and served as a citizen member on the (former) Portland Police Bureau (Police Bureau) Performance and Use of Force Review boards.

(3) **K.A. Lalsingh** held positions at Symantec Corporation, Northwest Christian College, and Standard Insurance Company. Professionally, she has led, managed, and implemented projects globally.

(4) **Rodney Paris** received his Juris Doctor from Lewis and Clark Law School and is a Civil Rights Investigator in the Affirmative Action and Equal Opportunity Department at Oregon Health and Science University.

(5) **F.G. (Jamie) Troy II** has been a CRC member since October 2009, is the CRC Chair, served as CRC Vice-Chair, is the Appeals Workgroup Chair, and is also a member of the Protocol Workgroup.

IPR Assistant Director Pete Sandrock officially retired after 10 years of service. He provided high-level program and policy support to Assistant Director Constantin Severe and me. He reviewed civil tort claims filed against Police Bureau members to determine whether to initiate an administrative investigation and shared on-call responsibilities for responding to the scene of officer-involved shootings and in-custody deaths. Sandrock was an invaluable member of the IPR team and he will be sorely missed.

## CRC CHAIR'S REPORT

by F.G. (Jamie) Troy II, Chair



The Citizen Review Committee was very active in the final quarter of 2011. At the October meeting, Mr. Bissonette debriefed CRC on his experience at the recent National Association for Civilian Oversight of Law Enforcement Conference. I worked with IPR Director Baptista to draft City Code (Code) changes pertaining to CRC. Mayor Adams and Chief of Police Reese attended the November CRC meeting to respond to CRC's nine priorities for proposed Code changes and recommendations from the Stakeholders Report.

In addition, the CRC members conducted a Case File Review: resulting in requesting additional investigation; thus, delaying the appeal hearing to early next year.

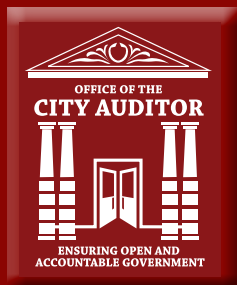
I presented CRC's position on proposed Code changes at a November 16 Council hearing, stressing CRC's number one priority of changing the standard of review to a less deferential standard. I also attended a follow-up Council hearing on December 8 to listen to public testimony.

At the CRC December 14 meeting, members learned that Council voted earlier in the day to adopt Code changes crafted by Baptista and myself. Though, members were disappointed to learn that Council did not change the standard of review. The process, while not all we hoped for, is now behind us. Time will tell how these changes impact our system.

With two appeals pending, CRC looks forward to overseeing police accountability in 2012 by getting back to one of its core functions — hearing appeals.

## OFFICE OF THE CITY AUDITOR

The City Auditor's division of the Independent Police Review receives and screens complaints about officers of the Portland Police Bureau. IPR may dismiss, mediate, investigate, or refer complaints to the Police Bureau. IPR analyzes complaint patterns, conducts policy reviews, as well as oversees investigations.



**INDEPENDENT POLICE REVIEW**  
1221 SW 4th Ave., Room 320  
Portland, OR 97204  
503-823-0146  
[ipr@portlandoregon.gov](mailto:ipr@portlandoregon.gov)

## CITIZEN REVIEW COMMITTEE

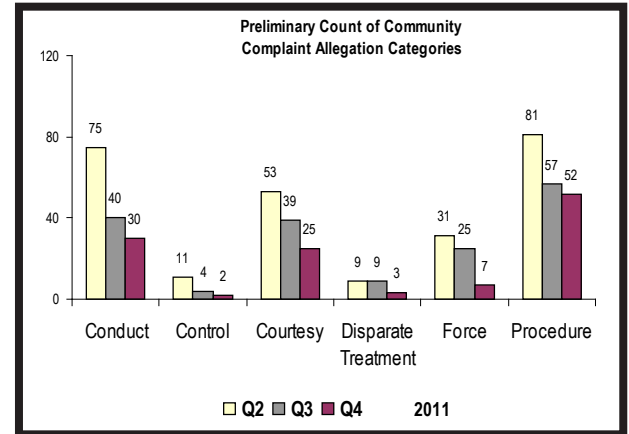
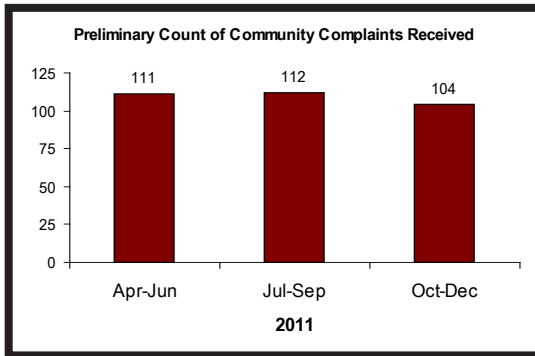
*Community Oversight of Portland Police Bureau*

*As community volunteers, the nine members of the Citizen Review Committee are appointed by Portland to monitor and advise IPR, hear appeals, and receive public concerns.*

[crc@portlandoregon.gov](mailto:crc@portlandoregon.gov) Message: 503-823-0926  
[www.portlandoregon.gov/auditor/ipr](http://www.portlandoregon.gov/auditor/ipr) Fax: 503-823-3530  
TTD: 503-823-6868

## CASE STATISTICS

IPR records and tracks all community complaints. The following charts show the number of complaints received and the total allegations in each complaint category over the past three quarters. Most complaints contain multiple allegations, each classified and tracked separately, so allegations outnumber new cases.



IPR *randomly* selects a few new community complaints, completed investigations, and officer commendations from the reporting period to provide examples for the following sections.

## NEW CASES

- A complainant contacted IPR saying several Police Bureau officers treated him rudely when they responded to a possible break in at his motel room. The involved officers were dispatched to the motel room after someone called 9-1-1 and reported that an unknown person was trying to break in. When the officers arrived, the complainant stated that he was fine but refused to let them in so they could be sure that he was safe and not being coerced by someone else inside.

The officers eventually left after they could not convince the complainant to let them in. A responding officer cleared the call after an hour on scene and referred it to Project Respond.

A witness stated that this was the fourth time in 15 days that the police were called to the location by this complainant and each time, he said he was okay and did not need the police.

**Status: IPR Dismissal**

## MEDIATIONS

Mediation allows community members and officers to voluntarily come together to discuss their concerns in a respectful, constructive manner; an impartial, professional mediator facilitates the session. Both parties are heard in a neutral and confidential setting. The goal is to gain a better understanding of one another's perspective about the incident.

IPR received five mediation requests in the fourth quarter. The complainant withdrew in the first case; the officer declined in the second case; the officer and complainant resolved the problem outside of mediation in the third case; and the fourth and fifth cases are scheduled for mediation next quarter.



Three orientation sessions are held for newly appointed and re-appointed CRC members, which are also open to the public – 2011

## INVESTIGATED CASES

Fourteen completed misconduct investigations were reviewed during the quarter. Many of the complaints involved more than one officer and alleged several acts of misconduct.

Senior management at the Police Bureau and IPR recommended at least one sustained finding in five of the 14 cases, and suggested an officer debrief in six of the nine 'non-sustained' cases.

### INVESTIGATED CASE EXAMPLE AND FINDINGS

A man stated that after surrendering to the police, a police officer unnecessarily Tased him twice, for a duration of 60-90 seconds each time and kicked him in the back. The investigation revealed that the involved (and witness) officers were responding to a theft in progress. After the officers arrived on scene, a pursuit occurred of a vehicle believed to be involved in the alleged theft. The complainant ran from the vehicle and jumped a fence followed by the involved officer; both conflicted in their explanations as to how the Tasing occurred. The man stated that he was Tased while he was compliant. The officer stated that he deployed his Taser initially when the complainant approached a second fence, turned, and ran toward him.

The officer said the man was initially compliant and went to the ground but proceeded to get up and disregarded the officer's command. The officer deployed the Taser a second time and when it did not seem to be effective, the officer kicked the complainant once to gain compliance (a civilian witness stated that the man was Tased while upright). The officer also pulled the Taser probes that were stuck in the complainant's thick jacket. However, a data download of the Taser revealed that each cycle was of five second durations. After deploying his Taser, the officer did not submit a use-of-force report as required by Portland Police Bureau policy.

- Officer used excessive force by Tasing complainant: *Exonerated*
- Officer failed to file a Force Data Collection Report: *Sustained*
- Officer pulled Taser probes out of complainant without obtaining medical assistance: *Exonerated*

## COMMENDATIONS

Over half of the commendations received in the fourth quarter (53 of 96) related to the Occupy Portland encampment and related events. *Random Occupy Portland examples include:*

- A woman from Salem, Oregon said she was so very proud of the leadership and officers taking part in the Occupy Portland demonstration that she witnessed. The Police Bureau should be proud of the restraint, the professionalism, and the bravery of your officers. So impressed...wish I could claim I lived in Portland. Awesome!
- A woman explained that she participated in the Occupy Portland protest and that the police officers' directions weren't being followed by many of the marchers. But instead of stubbornly enforcing rules, the police used their heads, improvised, and prevented confusion from turning into chaos with the thousands of protesters. They gave us calm.

### A non-Occupy Portland commendation received:

- A couple said an officer was both professional and friendly; they thanked him for his help in filling out their stolen vehicle report. The officer politely declined their offer of having dinner with them, but expressed an interest in the turkey chili they were making at that time. Therefore, they included their recipe with the officer's commendation.

## CRC WORKGROUPS

### 1. Appeals

The Appeals Workgroup completed an updated version of the Appeals Process Advisor (APA) Guidelines to retool guidance to APAs who will play more active roles in future appeals. After some amendments proposed and accepted, the APA Guidelines were approved by vote of the full CRC in November 2011. The workgroup also prepared and presented an APA Evaluation Form, which offers a formal process for APAs to offer feedback to CRC after either a Case File Review or an Appeal Hearing has been completed. The results from these evaluations will be used to look for ways to improve the appeals process. After discussion, the APA Evaluation Form was approved by vote of the full CRC in December 2011.

### 2. Outreach

The Outreach Workgroup continued to prepare for the next community public forum on police accountability on January 26, 2012. The CRC members will present information about their work to provide community oversight of the Portland Police Bureau and hear community input about police services.



### 3. Protocol

The Protocol Workgroup suspended any further meetings pending Council's December 2011 action in response to the Police Oversight Stakeholder Committee's recommendations.

### 4. Recruitment, Retention, and Promotion

The Recruitment, Retention, and Promotion Workgroup is currently conducting a series of meetings with the Police Bureau and City representatives and examining ongoing recruitment, retention, and promotion practices of the Police Bureau. In December 2011, the workgroup met with Lt. Vince Elmore and the Police Bureau's Human Resource Manager Sean Murray, and it received a detailed presentation on past and ongoing recruitment efforts. The presenters plan to conclude their presentation in January 2012 and begin an extended presentation on current Police Bureau retention practices.

### 5. Recurring Audit

The Recurring Audit Workgroup is reviewing a sample of dismissal cases to assess if correct classification and correct policies were followed. Upon the team members' completion of the sample cases, the workgroup will draft a brief public report with its recommendation(s).

### 6. Taser/Less-lethal Force

The Taser/Less-lethal Workgroup has been working on its draft report. The goal is to submit it to the full CRC for approval during the first quarter of 2012. The Police Bureau's Training Division has come to several of the meetings to discuss officer training for Tasers and less-lethal munitions.

## IPR OUTREACH UPDATES



Irene Konev

Community Outreach Coordinator Irene Konev recruited 30 diverse community members to apply for the CRC. She began planning the 2012 new member orientation to prepare the nominees for their membership responsibilities.

Konev also networked and participated in the following:

- Kwanzaa Celebration at Portland City Hall
- Minority Homeowner Assistance Collaborative Fair
- Charter Review Commission
- Rosewood Initiative Community Meeting
- Citizen Advisory Council Meeting – East Precinct
- United Nations Day Celebration and Reception
- Gang Task Force Meeting
- Race Talks at Kennedy School
- Oregon Assembly for Black Affairs

### CRC and IPR Attendance at Outreach Events

- Community and Police Relations Committee
- Black United Fund College Fair
- Fix-it Fair at Ron Russell Middle School
- Police Awards Ceremony
- African American Chamber of Commerce Advisory Board

Assistant Director Constantin Severe met with Oregon State Representative Lew Frederick and attended the Coffee and Issues Networking Event at Oregon Association of Minority Entrepreneurs. Severe apprised people of the March 2010 Code changes.

Konev went on a ride-along with Officer Stacy Dunn from the Service Coordination Team of Central Precinct. She observed effective officer-relationship building with people wanting to break the cycle of their criminality and addictions.

Speakers were coordinated by Konev for the Russian Speaking Networking workshop "Communication with Police" where Commander Mike Lee gave an overview of policing in Portland; Officer Natasha Haunsperger presented on police procedure. In addition, Konev gave a one-hour presentation to the same Slavic audience on the powers and duties of IPR/CRC, as well as the commendation and complaint process.



Commander Mike Lee from Portland Police Bureau's East Precinct presented to the Russian Speaking Network organizers and participants at the workshop – December 2011

### CRC Public Meetings Schedule

First Wednesday of each month – as of March 2012  
(Subject to change\*)

February 8*	City Hall – Lovejoy Room @ 5:30 PM
March 7	City Hall – Lovejoy Room @ 5:30 PM
April 4	City Hall – Lovejoy Room @ 5:30 PM